United Nations A/49/PV.106

General Assembly
Forty-ninth Session

Official Records

106th Meeting
Thursday, 20 July 1995, 10 a.m.
New York

President: Mr. Essy . . . . . (Côte d'Ivoire)

In the absence of the President, Ms. Arystanbekova (Kazakstan), Vice-President, took the Chair.

The meeting was called to order at 10.55 a.m.

Reports of the Fifth Committee

The President: The Assembly will today consider the reports of the Fifth Committee on agenda items 17 (a), 105, 108, 109, 113, 117, 119, 121, 122, 123, 132, 146 and 163.

If there is no proposal under rule 66 of the rules of procedure, I shall take it that the Assembly decides not to discuss the reports of the Fifth Committee which are before it today.

It was so decided.

The President: Statements will therefore be limited to explanations of vote or position.

The positions of delegations regarding the recommendations of the Fifth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that by paragraph 7 of decision 34/401 the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee".

May I also remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Fifth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Fifth Committee.

Agenda item 17 (*continued*)

Appointments to fill vacancies in subsidiary organs and other appointments

(a) Appointment of members of the Advisory Committee on Administrative and Budgetary Questions: report of the Fifth Committee (Part IV) (A/49/432/Add.3)

The President: The Fifth Committee recommends in paragraph 4 of Part IV of its report that the General Assembly should appoint Mr. Wolfgang Stockl of Germany as a member of the Advisory Committee on Administrative and Budgetary Questions for a term of

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office beginning on 20 July 1995 and ending on 31 December 1995.

May I take it that it is the wish of the General Assembly to appoint Mr. Wolfgang Stockl?

It was so decided.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (a) of agenda item 17?

It was so decided.

Agenda item 105 (*continued*)

Review of the efficiency of the administrative and financial functioning of the United Nations: report of the Fifth Committee (Part II) (A/49/820/Add.1)

The President: The Assembly will now take a decision on the four draft decisions recommended by the Fifth Committee in paragraph 10 of Part II of its report.

We turn first to draft decision I, entitled "Progress made in the implementation of procurement reform in the United Nations Secretariat". May I take it that the Assembly wishes to adopt draft decision I?

Draft decision I was adopted.

The President: We turn next to draft decision II, entitled "Audit of the United Nations Protection Force personnel pilot project". May I take it that the Assembly wishes to adopt draft decision II?

Draft decision II was adopted.

The President: Draft decision III, entitled "Investigation of allegations of irregularities and mismanagement and audit of the United Nations Mission for the Referendum in Western Sahara", was adopted by the Fifth Committee without a vote. May I take it that the Assembly wishes to adopt draft decision III?

Draft decision III was adopted.

The President: Draft decision IV, entitled "Review of the efficiency of the administrative and financial functioning of the United Nations", was adopted by the Fifth Committee without a vote. May I take it that the Assembly wishes to adopt draft decision IV?

Draft decision IV was adopted.

The President: We have thus concluded this stage of our consideration of agenda item 105.

Agenda item 108 (*continued*)

Programme planning: report of the Fifth Committee (Part II) (A/49/819/Add.1)

The President: The Assembly will take action on the draft decision recommended by the Fifth Committee in paragraph 5 of Part II of its report. May I take it that the General Assembly wishes to adopt the draft decision?

The draft decision was adopted.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 108?

It was so decided.

Agenda item 109

Improving the financial situation of the United Nations: report of the Fifth Committee (A/49/946)

The President: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 4 of its report.

May I consider that the Assembly wishes to adopt the draft decision?

The draft decision was adopted.

The President: We have concluded this stage of our consideration of agenda item 109.

Agenda item 113 (*continued*)

Human resources management: report of the Fifth Committee (Part IV) (A/49/802/Add.3)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 8 of part IV of its report.

The draft resolution was adopted by the Fifth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 49/222B).

The President: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 9 of part IV of its report.

May I take it that the Assembly wishes to adopt the draft decision?

The draft decision was adopted.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 113?

It was so decided.

Agenda item 117 ***(continued)***

Financing of the United Nations Angola Verification Mission: report of the Fifth Committee (Part II) (A/49/816/Add.1)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 5 of part II of its report.

The draft resolution was adopted by the Fifth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 49/227B).

The President: We have thus concluded this stage of our consideration of agenda item 117.

Agenda item 119 ***(continued)***

Financing of the United Nations Mission for the Referendum in Western Sahara: report of the Fifth Committee (Part III) (A/49/808/Add.2)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 5 of part III of its report.

The draft resolution was adopted by the Fifth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 49/247).

The President: We have concluded this stage of our consideration of agenda item 119.

Agenda item 121

Financing and liquidation of the United Nations Transitional Authority in Cambodia: report of the Fifth Committee (A/49/944)

The President: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 5 of its report. May I consider that the Assembly wishes to adopt the draft decision?

The draft decision was adopted.

The President: We have concluded this stage of our consideration of agenda item 121.

Agenda item 122 ***(continued)***

Financing of the United Nations Protection Force: report of the Fifth Committee (Part III) (A/49/756/Add.2)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of part III of its report.

The draft resolution, entitled "Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters", was adopted by the Fifth Committee without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 49/248).

The President: I shall now call on the representative of Germany to explain his position on the resolution just adopted.

Mr. Henze (Germany): My delegation joined in the consensus in adopting the resolution contained in

document A/49/756/Add.2 because we attach the utmost political importance to the deployment of the rapid-reaction capacity.

Nevertheless, we have reservations concerning the method of peace-keeping financing through voluntary contributions and would like to state our position.

The method of financing a peace-keeping operation through voluntary contributions is a unique and exceptional case, and it should under no circumstances be considered a precedent for other operations decided upon by the United Nations.

In accordance with the statement of the European Union in the Fifth Committee, Germany stresses that the financing of peace-keeping operations is a collective responsibility that must be shared by all members of the Organization through assessed contributions, in accordance with Article 17, paragraph 2, of the Charter.

We wish to reiterate the special importance we attach to the principle of the collective responsibility of all Member States and the special responsibility of the permanent members of the Security Council for the financing of peace-keeping operations.

The President: We have concluded this stage of our consideration of agenda item 122.

Agenda item 123 ***(continued)***

Financing of the United Nations Operation in Somalia II: report of the Fifth Committee (Part III) (A/49/757/Add.2)

The President: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 4 of part III of its report.

May I take it that the Assembly wishes to adopt the draft decision?

The draft decision was adopted.

The President: We have concluded this stage of our consideration of agenda item 123.

Agenda item 132 ***(continued)***

Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations: report of the Fifth Committee (A/49/947)

(a) Financing of the United Nations peace-keeping operations: report of the Fifth Committee (Part VI) (A/49/803/Add.5)

(b) Relocation of Belarus and Ukraine to the group of Member States set out in paragraph 3 (c) of General Assembly resolution 43/232: report of the Fifth Committee (Part II) (A/49/821/Add.1)

The President: We shall first consider the report (A/49/947) of the Fifth Committee on agenda item 132.

The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 7 of that report. The draft resolution was adopted by the Fifth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 49/249).

The President: We shall now consider Part VI of the report (A/49/803/Add.5) of the Fifth Committee on sub-item (a) of agenda item 132.

The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of Part VI of that report. The draft resolution, entitled "Support account for peace-keeping operations", was adopted by the Fifth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 49/250).

The President: The Assembly will now consider Part II of the report (A/49/821/Add.1) of the Fifth Committee on sub-item (b) of agenda item 132.

The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 4 of Part II of its report. The draft decision was adopted by the Fifth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft decision was adopted.

The President: I now call on those delegations wishing to explain their position on the resolutions and the decision just adopted.

Mr. Mojouikhov (Belarus) (*interpretation from Russian*): My delegation wishes to explain the position of the Republic of Belarus in favour of the decision of the Fifth Committee, adopted at its 66th meeting on the revised draft resolution of the Chairman of the Fifth Committee, submitted with oral amendments and subsequently issued as document A/C.5/49/L.64 of 14 July 1995. The text, which we have just adopted, appears on page 2 of document A/49/947 of 19 July 1995. Furthermore, I must do this because, in the report — for technical reasons, I hope — no mention is made of our statement in explanation of position to the Fifth Committee following the adoption of draft resolution A/C.5/49/L.64.

The delegation of the Republic of Belarus joined the fragile consensus on draft resolution A/C.5/49/L.64, which was adopted as a package. This proved possible as a result of the first phase of the consideration at the 64th meeting of the Fifth Committee, on 12 July last and at its 66th meeting, on 14 July, of agenda item 132, entitled "Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations". Document A/C.5/49/L.64 addresses the proposal of Portugal that it be reclassified to group B — the proposal we have just adopted — as well as the new request of Belarus to be reclassified to group C. In joining the consensus, we based our decision on the following reasons.

First, the delegation of Belarus wished to promote a rapid adoption by the Fifth Committee, and subsequently by the General Assembly, of a voluntary and responsible decision taken by the Government of Portugal to reclassify Portugal from group C to group B for the apportionment of assessments for the financing of peace-keeping operations. We are sure that this will in no way impede the overall reform of the financing system of the United Nations.

Secondly, the preambular part of the draft resolution contained in document A/C.5/49/L.64 reflects the fact that the Fifth Committee has also received a request from Belarus for reclassification from group B to group C. The substance of and reasons for this request were set forth in the memorandum of the Permanent Representative of the Republic of Belarus to the United Nations on 28 June 1995 and in the statement of the Belarus delegation at the 64th meeting of the Fifth Committee on 12 July. We would request the Secretariat to issue the texts of the memorandum and the statement as official documents of the United Nations under agenda item 132 of the General Assembly at its resumed forty-ninth session, entitled "Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations".

Thirdly, the delegation of Belarus acceded to the wishes of several delegations that it make a more extensive examination of its request to reclassify Belarus from group B to group C during the third part of the resumed forty-ninth session of the General Assembly, which is expected to occur from 6 to 8 September 1995. In so doing, we took into consideration the positions of all delegations and their reactions to the official statement of the head of the Portuguese delegation at the 64th meeting of the Fifth Committee, on 12 July, and particularly at its 66th meeting, on 14 July, before the adoption of draft resolution A/C.5/49/L.64, particularly in the context of the request of Belarus for possible reclassification to group C. As we know, the text of the second Portuguese statement is contained in paragraph 4 of document A/49/947.

Fourthly, the delegation of Belarus considers the package in document A/C.5/49/L.64 to be a delicate and temporary compromise in the light of the voluntary bilateral agreement reached earlier between Belarus and Portugal in connection with the financial aspects of the gradual transition of Portugal to group B and the possible reclassification of Belarus to group C. If such reclassification does take place, the partial reduction in the Belarusian expenses in the financing of peace-keeping operations could also be gradual, rather than immediate, and less than if Belarus were to be placed in group C without any supplementary conditions. In this respect, we assume that the scale of assessments of other States could remain unchanged in a sort of "neutral exchange".

For more than three and a half years, since before the opening of the very important negotiations in General Assembly working groups on questions concerning the financial situation of the United Nations and the application of the principle of States Members' capacity to pay in determining the scale of their contributions, the

Belarus delegation has been consistently in favour of reforming the United Nations financial system. We are and will remain advocates of mutually acceptable, just and balanced reform in this area, in the interests of the whole international community.

As is known, in the period 1992-1994 the scale of Belarus's contributions to the regular budget of the United Nations — which, as we know, is closely related to expenditures on peace-keeping operations — was three times higher — I stress three times higher — than its share of world income. As Belarus sees these exceptional circumstances as an unjust anomaly, which is also the way it regards the retention of Belarus in group B, which includes countries that aspire to permanent membership of the Security Council.

All countries whose national incomes are comparable to that of Belarus are currently in group C. The per capita income of these countries is in some cases four to six times higher than that of Belarus. Under the present scale of contributions to the regular budget of the United Nations, that of Belarus for 1995 was 2.3 times higher than Belarus's share of world income.

Only in 1997 will a gradual reduction in our contributions put them at the level of the gradually increasing contributions of Portugal, although Portugal's share of world income and its per capita income are almost twice as high as those macroeconomic indicators in the case of Belarus.

In this situation it would be more just to insist on an immediate reclassification of Belarus into group C. However, we are willing to accept a sincere compromise — namely, a gradual, partial reduction of the share of Belarus of expenditures on United Nations peace-keeping operations, corresponding to the gradual increase in Portugal's share. We feel that, following the decision that has just been adopted on the gradual reclassification of Portugal into group B, it would be perfectly justified, and perfectly sensible and natural, to take a positive decision to reclassify Belarus into group C.

One cannot fail to take into account the good will of Portugal as a donor and the support of an absolute majority of other Member States, as well as the noble acceptance of the reclassification of Belarus by other countries — in particular, Ukraine, whose contribution to the financing of peace-keeping operations exceeds its own real capacity to pay, for reasons beyond its national control.

The delegation of Belarus would like once again to express its sincere gratitude to all delegations which have at this stage supported our request for a provisional reclassification of Belarus into group C. Belarus is ready to participate in further negotiations, both in New York and in the capitals — including Minsk — with those States that need additional time for a more in-depth study of the arguments set forth in connection with the Belarusian request to be reclassified into group C. It is ready to consider the positions of all other countries and to do so in the context of the voluntary reclassification of Portugal into group B — a decision that the delegation of Belarus fully supported.

Our delegation expresses the hope that a future decision of the Fifth Committee of the General Assembly, which we hope can be adopted in September this year, in connection with the request of Belarus for gradual reclassification into group C could be based on an analysis not only of the financial and other implications of such a decision for the overall process of negotiations concerning reform of the financial system of the United Nations, but also on its consequences for individual Member States.

In consideration of a possible positive decision on the request of Belarus, we should like to ask that account be taken of its significance, first as one of the important factors in the maintenance of social stability in our country; secondly, as a measure of international support at this crucial stage of the implementation of further national reforms; and thirdly, as one of the means of alleviating the international obligations of Belarus, which include its financial obligations to the United Nations.

A demonstration of flexibility in respect of this request would be highly appreciated by the Republic of Belarus and would meet with the understanding of, we hope, all Member States of the United Nations.

The President: May I remind delegations that, in accordance with General Assembly decision 34/401, explanations of vote or position are limited to 10 minutes.

Mr. Zlenko (Ukraine): The Government of Ukraine decided to support the decision that has just been taken by the General Assembly. Although this decision is not perfect, it can be considered as a step in the right direction.

We would like to underline once again that the solution of the problem of the proper financing of

peace-keeping operations could, rather, be achieved through the just and adequate apportionment of costs between all Member States, in conformity with their capacity to pay. In this connection, the voluntary decision by the Government of Portugal to reclassify Portugal from group C to group B is commendable. We hope that other Member States whose economic situation might put them in a position to take a similar decision will follow this example.

We also proceed from the fact that in the current situation the voluntary movement "up" in the existing peace-keeping financing system should be accompanied by a corresponding movement "down" by interested parties, in addition to the other acceptable measures to alleviate the anomalies in the system. The Organization can only benefit from such an exchange. For this reason, we have arrived at the decision, during recent negotiations, to support the request of Belarus for reclassification from group B to group C.

At the same time, however, taking into account existing realities, we would prefer even in this case a solution of the problem that also gives long-awaited relief to other Member States which, for reasons beyond their control, find themselves being assessed for peace-keeping costs at a level greatly above their capacity to pay.

More than two years ago, Ukraine was the first Member State to draw the attention of the Organization to the need for its reclassification at the earliest possible time from group B to group C in the system of the apportionment of the costs of peace-keeping operations.

We have to state with regret that since that time the economic situation in our country has not changed for the better. In 1994, the per capita gross national product in Ukraine fell below $1,570. This is the lowest such indicator among the 21 Member States now located in group B. It is even lower than that of a number of countries in group C.

In this extremely difficult economic situation, Ukraine has complied with the wishes of the international community by ratifying the Treaty on the Non-Proliferation of Nuclear Weapons. This was intended to confirm that our country is a responsible member of that community. The implementation of the Treaty requires considerable expense on the part of Ukraine. Ukraine spends a substantial part of its State budget in an effort to reduce the aftermath of the accident at the Chernobyl nuclear plant, and is to undertake measures for the complete closing of the plant. It observes the sanctions enforced against the Federal Republic of Yugoslavia by the Security Council, suffering significant economic damage as a result.

Today, at the outset of the first and most painful period of the implementation of economic reform, we need, more than ever, the support and assistance of the international community. In this connection we consider a possible decision to reduce the participation of Ukraine in the financing of peace-keeping operations to the level of its capacity to pay to be an effective response by the United Nations to our needs.

We hope Member States will manage to resolve the problem raised by Ukraine in the context of the activities of the High-Level Working Group on the Financial Situation of the United Nations either by replacing the existing ad hoc system of apportionment of peace-keeping expenses with a better one, or by undertaking the modalities to reclassify our country from group B to group C at the fiftieth session of the General Assembly.

The delegation of Ukraine is ready to do its best to assist in that regard.

Mr. Deineko (Russian Federation) (*interpretation from Russian*): The Russian delegation takes note with great satisfaction of the decision of the Government of Portugal regarding its voluntary reclassification to group B with respect to apportionment of the costs of peace-keeping operations, and we support the request of Belarus for simultaneous reclassification to group C. Our decision to join the consensus on the draft resolution recommended in document A/49/947 reflects my delegation's dedication to the principle of consensus. In this connection, we assume that the question of reclassifying Belarus from group B to group C will be resolved positively in the very near future, certainly no later than the end of the regular part of the fiftieth session of the General Assembly.

Russia's position on the lack of correlation between the existing scale of contributions to the costs of peace-keeping operations and the capacity of States to pay is well known. Portugal's decision voluntarily to increase its contribution to peace-keeping operations further corroborates the correctness of our approach. In our view, the reclassification of Portugal and Belarus is but a palliative; by no means can it be seen to resolve the basic issue of the inadequacy and injustice of the scale of assessments for peace-keeping operations adopted 20 years ago, primarily because there now exist a number of

countries that can rightly expect a reduction in their contributions to peace-keeping operations. We are thinking in particular of our near neighbour, Ukraine.

The question of the financing of peace-keeping operations long ago ceased to be a purely financial one. In view of increased United Nations peace-keeping activities, it has taken on a political character, inasmuch as the ability of the United Nations to fulfil its Charter obligations with respect to the maintenance of peace depends directly on the existence of a healthy and stable financial system as a foundation for such activities.

My delegation once more confirms its position of principle with respect to the immediate need for the radical restructuring of the current system for the apportionment of the costs of peace-keeping operations. That position is dictated by a desire to create conditions in which the United Nations can effectively fulfil the peace-keeping mandates assigned to it by the international community.

Mr. Birenbaum (United States of America): The United States welcomes Portugal's decision to increase voluntarily its rate of assessment for peace-keeping. In his statement to the Fifth Committee last week, the representative of Portugal cited two reasons for his Government's voluntary action: its concern for the United Nations financial situation; and its recognition that Portugal's economic improvement over the last 20 years no longer justified placement in group C.

We hope that other Member States in similar positions will also announce their willingness to move from group C to group B. Such announcements would provide impetus for the comprehensive revision of the peace-keeping scale that we hope will emerge soon from the work of the High-Level Open-Ended Working Group on the Financial Situation of the United Nations, which has been guided ably by Ambassador des Iles of Trinidad and Tobago and Ambassador Sucharipa of Austria.

The United States delegation joined consensus on this resolution on the understanding that Portugal's plan for how it will voluntarily make the transition from group C to group B sets no precedent for the transition to a new, revised peace-keeping scale of assessments. While we continue to welcome Portugal's decision to move up, we wish to emphasize the need for a comprehensive reform. A comprehensive reform will make it politically easier for other Member States to follow the inspired lead of Portugal, and a comprehensive reform will make it easier for the membership to consider positively requests like that of Belarus for a lower assessment rate.

The difficult Fifth Committee negotiation on this issue illustrated clearly the problems caused by the current scale for peace-keeping. The groupings make little sense. There are no criteria for placement in them or for movement from them. The procedure for providing discounts is an inequitable and illogical all-or-nothing system. A better system would relate discounts to need determined by reference to an established norm, such as average per capita income. The scale of assessments for the regular budget at least has some internal logic to it, with each Member State having its own rate.

But looking at the peace-keeping scale, which is used to apportion amounts nearly three times as large as the regular budget, one has to wonder how it could possibly have been devised as a means of equitable burden-sharing, in which each State's assessment could be reasonably close to that of other States in similar circumstances. It is time to eliminate the system of groups and provide individualized assessment rates to Member States, as exists for the regular budget.

We remain sympathetic to the situation of Belarus, as well as that of Ukraine and other States that are particularly and adversely affected by the distorted peace-keeping scale. We have demonstrated that in the last two years. But the solution to their problems and to other anomalies is not tinkering here or there, but rather, a new, revised scale updated to reflect current economic reality.

The United States delegation hopes that the General Assembly will be able to look back and see the resolution we have just adopted as marking the point at which the membership turned the corner towards adopting such a scale.

I should like now to provide our explanation with respect to a related matter, a matter also contained in this resolution, bearing on the support account. The United States welcomes the resolution adopted on the support account for peace-keeping operations. We believe the resolution sets forth the necessary framework to ensure sound financing and management of the support account, and that it will enable the Secretary-General effectively to administer the critical backstopping requirements of peace-keeping.

We trust there will be strict compliance with paragraph 12 of the resolution. We look forward to receiving the interim report of the Board of Auditors on the management of the support account, as requested in operative paragraph 9 of the resolution, so that definitive action may be taken on the staffing requirements of the account during the fall session of the General Assembly.

Mr. Soares (Portugal): My delegation wishes to express its satisfaction at the adoption by consensus of the resolution contained in document A/49/947, which reclassifies Portugal from group C to group B. In this connection, we have informed the Secretary-General that, as declared in our statement in the Fifth Committee, the first step in the process of change took place as of 1 July 1995.

The decision of my Government is a clear indication of its endeavours to solve the fundamental issues of the international community through the United Nations. It is an unequivocal expression of our full and serious commitment to the purposes and principles enshrined in the Charter. We are fully conscious of the seriousness, complexity and depth of the financial debate before us, which could have negative repercussions on essential areas of the Organization's activities. The success of the Organization depends on its Member States' respecting the rule of law; and in this Organization, the law is the Charter.

I wish to take this opportunity to express my admiration for the capacity of the Secretary-General and his officials to run the Organization without any assurance that payments of contributions will be made in full and in a timely manner.

We hope that other Member States will join us in expressing their commitment to the Organization on the occasion of its fiftieth anniversary by taking the necessary steps to ensure for it a sounder financial basis.

The President: We have thus concluded this stage of our consideration of agenda item 132.

Agenda item 146 ***(continued)***

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991: report of the Fifth Committee (Part IV) (A/49/810/Add.3)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of part IV of its report.

The draft resolution was adopted by the Fifth Committee without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 49/242B).

The President: I shall now call on those representatives who wish to explain their position on the resolution just adopted.

Mr. Hanson (Canada) (interpretation from French): I have asked to speak in order to make clear my delegation's position with regard to the method of funding that has been adopted for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991. Since the same method has been proposed to fund the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, my comments apply equally to that body.

This resolution represents a hard-won decision achieved only after many months of arduous toil. It is due in large part to the skill and perseverance of Mrs. Maria Milanovic-Rotheiser of Austria, who coordinated informal consultations on this item, and to whom my delegation wishes to pay particular tribute.

The territory of the former Yugoslavia has been the scene of atrocities so ghastly that reports of them were initially dismissed as the fantasies of sick minds. Tragically, that is not the case. The crimes, the suffering and the imperatives of justice are all too real.

The International Tribunal has a difficult task ahead of it, but we are confident that the Tribunal will make a significant contribution to the application of the international law that must be respected in situations of conflict, and to upholding the principles of human dignity, even in those difficult circumstances.

Canada has, from the outset, supported the establishment of the Tribunal, and has contributed personnel and material resources to its preparatory work and to the investigations that have been undertaken.

It has been a matter of great regret to us, however, that even given the self-evident necessity and urgency of the Tribunal's work, it proved impossible for far too long for funding arrangements to be agreed. In the absence of secure and stable funding, it has been necessary for the Secretary-General to rely on commitment authorities and internal borrowing in order to enable the Tribunal to function.

(*spoke in English*)

An international tribunal is not a peace-keeping operation: it does not monitor any cease-fires, or separate any forces, or protect any populations, or escort any convoys. Its purpose is to investigate, prosecute and judge those accused of violations of international law. My delegation does not therefore believe it appropriate to fund international tribunals through the ad hoc means developed for peace-keeping operations. The permanent members of the Security Council bear no special responsibility for the administration of justice and no extra responsibility for its funding.

My delegation has always believed, and continues to maintain, that Tribunals such as this should be funded through the regular budget, by means of assessed contributions. This resolution departs from that principle. Half the funding of the Tribunal is to be assured through a waiver by Member States of their respective shares in the credits arising from budgets of the United Nations Protection Force; they hence accept an equivalent increase in the assessments for a future budget period. This method is based on the assumption that the credits in question will continue to be adequate to the purpose, both for the current biennium and the next.

I must therefore make it clear that, for the reasons I have given, my delegation does not support this resolution. We have reluctantly decided not to oppose its adoption, given the overriding necessity of providing the means for justice to be done.

In this connection, I must also emphasize that, in the understanding of my delegation, this resolution does not provide for any new or increased assessments beyond the amounts identified in operative paragraphs 21 or 22, nor does it prejudge any decision which might be taken regarding funding in periods following 1996-1997.

Mr. Muñoz (Spain) (*interpretation from Spanish*): I have the honour to speak on behalf of the European Union on agenda item 146, "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991."

The European Union, in its statement made by the representative of France before the Fifth Committee on 16 March last, has already stated its position regarding the financing for the International Tribunal, which it believed should be the following:

> "Considering the exclusively legal nature of its activities, the Tribunal should be financed in accordance with the scale of assessment of the regular budget."

Nevertheless, the Union also wishes to express its satisfaction with the consensus reached, which we believe establishes an acceptable financial basis for the financing of this Tribunal until 31 December 1997.

In this context, and in order to establish a stable financial basis permitting the efficient operation of the Tribunal, the European Union expects that all Member States of the Organization will make every effort so that the contributions to be assessed for financing this Tribunal, both those referred to in paragraph 21 of the resolution relating to future apportionment for the United Nations Protection Forces, as well as those referred to in paragraph 22 of the resolution relating to the apportionment in accordance with the scale of assessments of the regular budget, be paid in full within the 30-day period specified in the financial Rules, and without conditions.

Mr. Sharp (Australia): Australia, too, welcomes the adoption of the resolution financing the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. We are pleased that the Tribunal now has an assured financial base and we wish to express our gratitude to the Coordinator of the item, Mrs. Maria Rotheiser, for achieving that important objective.

The mode of financing of the Tribunal represents a compromise between those who wish to see it funded on the regular budget scale and those who wish to see it funded on the peace-keeping scale. For the record, Australia's preference was and remains that the Tribunal should be funded on the regular budget scale. As the representative of Canada has just explained, the Tribunal is not a peace-keeping operation. It was established with the aim of upholding and strengthening international law and justice. It would therefore have been appropriate for the Tribunal to be funded in accordance with the regular budget.

As the same mode of financing has been proposed for the International Criminal Tribunal for Rwanda, the preceding remarks about the financing of Tribunals apply equally to that body.

Mr. Albin (Mexico) (*interpretation from Spanish*): My delegation joined the consensus in adopting the resolution although the text reflects a delicate balance in the distribution of dissatisfactions in the positions of all the States Members of the Organization.

This resolution provides a stable financial basis for the effective operation and financing of the Tribunal. Measures have been taken to avoid the possible diversion of resources which the Organization has already allocated to activities that serve to fulfil other objectives of the Charter, particularly in the light of a possible negative growth in the programme budgets for future bienniums.

In joining the consensus in favour of this resolution, my delegation wishes to reiterate its belief, expressed through the debates that led to this resolution, that the financing of this ad hoc mechanism must be effected in strict accordance with the scale used for the activities of the Organization carried out under Chapter VII of the Charter. This was the framework in which the Tribunal in question was established in compliance with the resolutions of the Security Council in exercise of its functions in international peace and security.

There is a general recognition in the provisions of this resolution that, in case no funds are available in the account of the United Nations Protection Force in 1996 and 1997 to be transferred to the account of the Tribunal, such resources shall be apportioned in the same way as collected credits arising from the 1994-1995 biennium, in order that the Tribunal may count on the necessary resources.

Furthermore, my delegation regrets that it has not been possible to adopt a final decision on the mode of financing for the Tribunal. The resolution which we have just adopted provides for the General Assembly to decide

> "to review the mode of financing of the International Tribunal at its fifty-second regular session". (*A/49/810/Add.3, para 27*)

My delegation is convinced that the elements already agreed to — equitable mixed financing, a special account separate from the regular budget and additional resources — must continue to be the basis for the adoption of a final decision, not only for this Tribunal, but also for the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

Mr. Birenbaum (United States of America): The United States, along with the representatives of Canada, the European Union, Australia and other countries, believes that the work of the war crimes Tribunal should be financed entirely on the regular budget scale. By no stretch of the imagination is a war crimes tribunal a peace-keeping operation.

None the less, the overriding imperative is to assure a sound basis for the financing of the war crimes Tribunal. For that reason, we were pleased to join the consensus in support of the agreement reached on the financing of the International Tribunal for the former Yugoslavia.

The United States remains strongly committed to the work of the Tribunal and to ensuring that sufficient and secure resources are available so that it may perform its mandate as effectively and expeditiously as possible. We believe that the resolution the Assembly has just adopted puts the Tribunal on an assured financial basis for the first time in its existence.

We wish to note the entirely unique circumstances that led to the financing of this Tribunal, as well as the financing of the Rwanda Tribunal, by means of a special account outside the normal budgetary account structures of the United Nations. We do not accept the action we

have taken as a precedent for financing future activities outside the normal budget processes.

We note the importance of voluntary contributions to the effective functioning of the Tribunal. The United States and other Member States have made significant cash and in-kind contributions to this Tribunal. We urge all Member States to consider such contributions.

Mr. Gjesdal (Norway): The Norwegian Government has from the outset supported the establishment of the Tribunal on war crimes in the former Yugoslavia. Norway has made voluntary contributions to the Tribunal's preparatory work and to the investigations currently being undertaken. It is, in our view, essential to provide the Tribunal with a broadly based source of financing, to ensure its effective and impartial functioning and its legitimacy and wide acceptance.

For these reasons, Norway believes that the functioning of the Tribunal should be ensured through financing from the regular budget of the United Nations, following the appropriation of the necessary additional resources. Apportionment should, in our view, have been done entirely according to the regular budget scales of assessment in force, as an expression of broad support for the Tribunal. On that basis, the Tribunal would have been able to carry out its important tasks, in keeping with the relevant Security Council resolutions.

In the absence of the necessary support for such an arrangement, Norway has joined in the consensus on the compromise solution that has just been adopted, which we hope will enable the Tribunal to carry on its ever more challenging assignment without interruption. My delegation agrees with other representatives that, in order to achieve the financial stability necessary to allow the efficient and impartial operation of this Tribunal, it is of the utmost importance that Member States make every effort to pay their respective assessments in full, on time and without conditions.

The comments of my delegation apply, *mutatis mutandis*, to the draft resolution that is before the Assembly under agenda item 163.

The President: The General Assembly has thus concluded this stage of its consideration of agenda item 146.

Agenda item 163 *(continued)*

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994: report of the Fifth Committee (A/49/945)

The President: The Assembly will now take a decision on the draft resolution recommended by the Fifth Committee in paragraph 6 of its report.

The draft resolution was adopted by the Fifth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 49/251).

The President: I shall now call on those representatives who wish to explain their positions.

Mr. Muñoz (Spain) *(interpretation from Spanish)*: I have the honour to speak on behalf of the European Union on this agenda item.

The European Union, in statements in the Fifth Committee by the representatives of France and of Spain, on 16 March and 12 July last respectively, pointed out that the adoption of a decision on the financing modality for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 would lead the way to the adoption of a similar decision for the financing of the International Tribunal relating to Rwanda and that it sincerely hoped that its budget and method of financing would be approved by the General Assembly at an early date in its fiftieth session.

In this respect, the European Union regrets that full consideration of the proposed budget has not been possible, but would like to express its satisfaction at the fact that the agreement over the financing of the Tribunal for the Former Yugoslavia has permitted the rapid

adoption, even before it was expected, of a similar agreement, which we believe establishes an acceptable financial basis for the financing of the International Tribunal for Rwanda.

In this context, and in order to achieve the financial stability to permit the efficient operation of this Tribunal, the European Union expects every Member State to make every effort to pay its assessed contribution in full, within the 30-day period specified in the financial rules, and without conditions.

Mr. Birenbaum (United States of America): The United States welcomes the resolution that has just been adopted on the financing of the International Tribunal for Rwanda, although, as was pointed out with respect to the resolution regarding the financing of the International Tribunal concerning war crimes in the former Yugoslavia, it is our view that the work of Tribunals of this nature should be financed entirely from the regular budget.

As the United States places a high priority on the work of this Tribunal we are pleased that it has now been provided with an assured financial basis.

In our earlier intervention, on the Tribunal for the former Yugoslavia, we noted our concern that the funding mechanism adopted for this Tribunal should not be perceived as precedent-setting. We also wish to re-emphasize the importance of voluntary contributions to the effective functioning of the Tribunal and encourage all Member States to make such contributions. The United States is making a significant voluntary contribution to the work of the Tribunal.

The President: We have thus concluded this stage of our consideration of agenda item 163.

Agenda item 97 (*continued*)

Advancement of women: note by the Secretary-General (A/49/942)

The President: I should like to draw the attention of the General Assembly to a note by the Secretary-General.

In his note, the Secretary-General informs the General Assembly that in its resolution 45/129 of 14 December 1990 and again in its resolution 46/98 of 16 December 1991 the General Assembly endorsed Economic and Social Council resolution 1990/12 of 24 May 1990, in which the Council recommended that a world conference on women should be held in 1995 and requested that the Commission on the Status of Women act as the preparatory body for the conference.

In its resolution 47/95 of 16 December 1992 the General Assembly endorsed Economic and Social Council decision 1992/272 of 30 July 1992, in which the Council took note of the report of the Commission on the Status of Women and endorsed the recommendations contained therein, including resolution 36/8 of 20 March 1992 concerning the preparations for the Fourth World Conference on Women: Action for Equality, Development and Peace. In that resolution, the Commission decided to recommend that participation in the Conference should be open, *inter alia*, to interested intergovernmental organizations, to be represented by observers at the Conference.

Subsequent to the thirty-ninth session of the Commission on the Status of Women, held from 15 March to 7 April 1995, certain intergovernmental organizations indicated their interest in participating in the Conference. Since the Commission is not scheduled to meet before the commencement of the Fourth World Conference on Women on 4 September 1995, the recommendations concerning the participation of interested intergovernmental organizations in the Conference are submitted in the present note, directly to the General Assembly for its consideration.

The secretariat of the Fourth World Conference on Women: Action for Equality, Development and Peace, having reviewed requests from intergovernmental organizations to participate in the Conference, recommends that the six intergovernmental organizations referred to in paragraph 4 of the note by the Secretary-General be granted observer status in the Fourth World Conference on Women: Action for Equality, Development and Peace.

May I take it that the General Assembly approves those recommendations?

It was so decided.

The President: We have thus concluded the present stage of our consideration of agenda item 97.

The meeting rose at 12.15 p.m.